

By: White

H.B. No. 927

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the regulation of firearms, air guns, knives,
3 ammunition, and firearm and air gun supplies; imposing a civil
4 penalty.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 229.001(a), Local Government Code, is
7 amended to read as follows:

8 (a) Notwithstanding any other law, including Section 43.002
9 of this code and Chapter 251, Agriculture Code, a municipality may
10 not adopt regulations relating to:

11 (1) the transfer, storage, carrying, wearing, private
12 ownership, keeping, transportation, licensing, or registration of
13 firearms, air guns, knives, ammunition, or firearm or air gun
14 supplies; or

15 (2) the discharge of a firearm or air gun at a sport
16 shooting range.

17 SECTION 2. Subtitle C, Title 7, Local Government Code, is
18 amended by adding Chapter 247 to read as follows:

19 CHAPTER 247. REGULATION OF FIREARMS, KNIVES, AND AMMUNITION

20 Sec. 247.001. DEFINITIONS. In this chapter:

21 (1) "Local regulation" means an ordinance, order, or
22 regulation of a political subdivision.

23 (2) "Officer" means a person appointed or elected as
24 an executive officer of a political subdivision.

1 (3) "Political subdivision" means a municipality,
2 county, or special-purpose district, including a school, junior
3 college, water, hospital, or conservation and reclamation
4 district.

5 Sec. 247.002. UNAUTHORIZED LOCAL REGULATION OF FIREARMS,
6 KNIVES, AND AMMUNITION. (a) Notwithstanding any other law, a
7 political subdivision or an officer of a political subdivision may
8 not adopt or enforce a local regulation relating to a firearm, a
9 knife, or ammunition unless authorized by this code or other state
10 law.

11 (b) A local regulation relating to a firearm, a knife, or
12 ammunition that is not authorized by this code or other state law is
13 invalid.

14 (c) A political subdivision that violates Subsection (a) is
15 liable for a civil penalty of:

16 (1) not less than \$1,000 and not more than \$1,500 for
17 the first violation; and

18 (2) not less than \$10,000 and not more than \$10,500 for
19 the second or a subsequent violation.

20 (d) Each day of a continuing violation of Subsection (a)
21 constitutes a separate violation.

22 (e) If a political subdivision violates Subsection (a), a
23 person may provide the political subdivision a written notice that
24 describes the violation and the specific location of the violation.
25 If the political subdivision does not cure the violation before the
26 end of the third business day after the date of receiving the
27 notice, the person may file a complaint with the attorney general

1 concerning the violation. A complaint filed under this subsection
2 must include evidence of the violation and a copy of the notice.

3 (f) A civil penalty collected by the attorney general under
4 this section shall be deposited to the credit of the compensation to
5 victims of crime fund established under Subchapter B, Chapter 56,
6 Code of Criminal Procedure.

7 (g) Before a suit may be brought against a political
8 subdivision for a violation of Subsection (a), the attorney general
9 must investigate the complaint to determine whether legal action is
10 warranted. If legal action is warranted, the attorney general must
11 give the chief administrative officer of the political subdivision
12 charged with the violation a written notice that:

13 (1) describes the violation and specific location of
14 the violation;

15 (2) states the amount of the proposed penalty for the
16 violation; and

17 (3) gives the political subdivision 15 days from
18 receipt of the notice to cure the violation to avoid the penalty,
19 unless the political subdivision was found liable by a court for
20 previously violating Subsection (a).

21 (h) If the attorney general determines that legal action is
22 warranted and that the political subdivision has not cured the
23 violation within the 15-day period provided by Subsection (g)(3),
24 the attorney general or the appropriate county or district attorney
25 may sue to collect the civil penalty provided by Subsection (c). The
26 attorney general may also file a petition for a writ of mandamus or
27 apply for other appropriate equitable relief. A suit or petition

1 under this subsection may be filed in a district court in Travis
2 County or in a county in which the principal office of the political
3 subdivision is located. The attorney general may recover reasonable
4 expenses incurred in obtaining relief under this subsection,
5 including court costs, reasonable attorney's fees, investigative
6 costs, witness fees, and deposition costs.

7 (i) Governmental immunity to suit and from liability is
8 waived and abolished to the extent of liability created by this
9 chapter. A political subdivision may not sue a person for an action
10 taken in accordance with this chapter.

11 SECTION 3. This Act takes effect September 1, 2017.